

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
NE/Corner Washington Avenue \* ZONING COMMISSIONER  
and Castle Moor Road (Parcel 1, \* OF BALTIMORE COUNTY  
Lot 1 - 7320 Castle Moor Road); \* Case No. 89-163-A  
and SW/Corner Castle Moor Road \*  
and Richmond Avenue, (Parcel 4, \*  
Lot 1 - 3305 Richmond Avenue) \*  
Gamma Construction Co., Inc. \*  
Petitioner \* \* \* \* \*

AMENDED ORDER

WHEREAS, the Petitioner requested a variance to permit a side street setback of 10 feet in lieu of the required 25 feet on Parcel 1, Lot 1, and a side street setback of 12 feet in lieu of the required 25 feet on Parcel 4, Lot 1, in accordance with Petitioner's Exhibits 1 and 5;

WHEREAS, the Petitioner's representative was incorrectly identified;

WHEREAS, the relief requested was granted with restrictions by Order dated November 9, 1988;

WHEREAS, by letter dated November 15, 1988, Petitioner's Counsel requested the name of Petitioner's representative be corrected and Restriction No. 5 of said Order be deleted;

WHEREAS, decisions made by the Zoning Commissioner in zoning matters must be incorporated into deed references for proper and effective enforcement of the Zoning Commissioner's Orders, Restriction No. 5 of the Order dated November 9, 1988 in this matter shall not be removed;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11/15 day of November, 1988 that the Order dated November 9, 1988 be and the same is hereby amended to correct the name of Petitioner's repre-

sentative as follows: The name of the President of Gamma Construction Company, Inc. is Uri Ben-Or; and,

IT IS FURTHER ORDERED that all other conditions and restrictions of the Order dated November 9, 1988 shall remain in full force and effect.

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Howard L. Alderman, Jr., Esquire  
Levin, Gann & Hankin  
305 W. Chesapeake Avenue, Towson, Md. 21204

Uri Ben-Or, President  
Gamma Construction Company, Inc.  
12300 Dover Road, Reisterstown, Md. 21136

People's Counsel

File

ORDER RECEIVED FOR FILING  
Date 11/15/88  
By J. Robert Haines

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

November 21, 1988

Howard L. Alderman, Jr., Esquire  
Levin, Gann & Hankin  
305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
NE/Corner Washington Avenue and Castle Moor Road  
(Parcel 1, Lot 1 - 7320 Castle Moor Road); and  
SW/Corner Castle Moor Road and Richmond Avenue  
(Parcel 4, Lot 1 - 3305 Richmond Avenue)  
2nd Election District - 2nd Councilmanic District  
Gamma Construction Co., Inc. - Petitioner  
Case No. 89-163-A

Dear Mr. Alderman:

Pursuant to your correspondence dated November 14, 1988 on the above-captioned matter, enclosed please find a copy of the Amended Order correcting the name of Petitioner's representative. However, your request for a deletion of Restriction No. 5 of said Order cannot be honored. The incorporation of the Zoning Commissioner's Orders in deed references are necessary for proper and effective enforcement of said Orders.

The deed references in this instance can be incorporated at such time as your client completes construction of the proposed dwellings and a Contract of Sale has been prepared. However, such deed references must be incorporated within one (1) year of the date building permits are issued for the subject properties.

If you have any questions on the subject, please do not hesitate to contact me.

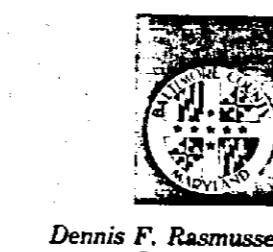
Very truly yours,

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: File

ORDER RECEIVED FOR FILING  
Date 11/21/88  
By J. Robert Haines



Dennis F. Rasmussen  
County Executive

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
NE/Corner Washington Avenue \* ZONING COMMISSIONER  
and Castle Moor Road (Parcel 1, \* OF BALTIMORE COUNTY  
Lot 1 - 7320 Castle Moor Road); \* Case No. 89-163-A  
and SW/Corner Castle Moor Road \*  
and Richmond Avenue, (Parcel 4, \*  
Lot 1 - 3305 Richmond Avenue) \*  
Gamma Construction Co., Inc. \*  
Petitioner \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit on Parcel 1, Lot 1, a side street setback of 10 feet in lieu of the required 25 feet, and on Parcel 4, Lot 1, a side street setback of 12 feet in lieu of the required 25 feet, for proposed new dwellings as more particularly described on Petitioner's Exhibits 1 and 5.

The Petitioner, by William Ben-Or, President, appeared, testified and was represented by Julius W. Lichter, Esquire. Mr. John M. Davidson, an adjoining property owner, appeared as a Protester.

Testimony indicated that the subject properties are located in the Liberty Garden Park subdivision and are zoned D.R. 5.5. The property known as 7320 Castle Moor Road is located at the northeast corner of Washington Avenue and Castle Moor Road and contains 0.223 acres. The subject lot is known and designated as Lot 1 on a plat entitled "Subdivision of Parcel 1, Castle Moor Road and Washington Avenue," which has been recorded among the Land Records of Baltimore County in Plat Book 55, Folio 100. The Petitioner acquired the subject property in December 1987 and now proposes constructing a single family dwelling approximately 44 feet wide. The building envelope on the subject property is approximately 27 feet wide and approximately 100 feet deep as depicted in Petitioner's Exhibit 1. Testimony indicated that Petitioner would suffer great practi-

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Date 11/21/88  
By J. Robert Haines

cal difficulty if it is required to construct a single family home within the building envelope as shown. Petitioner contends that the existing building envelope prevents it from constructing a dwelling of a similar design, size and construction of other houses in the area. Testimony further showed that the existence of rock under the surface of the site prevents Petitioner from constructing a style of house, other than that proposed, that would be in keeping with the aesthetic appearance of the neighborhood.

Mr. Davidson indicated that he was not really objecting to the proposed variance for this particular property because he had thought that the requested variance was from the existing paved portion of Washington Avenue and not from the right-of-way property boundary. After reviewing Petitioner's Exhibit 1, Mr. Davidson was satisfied that the requested variance could not have a detrimental effect on the public health, safety or general welfare.

As to the property known as 3305 Richmond Avenue, testimony indicated that this lot is located at the corner of Richmond Avenue and Castle Moor Road and contains approximately 0.213 acres. This lot is known and designated as Lot 1 on the plat entitled "Subdivision of Parcel 4, Castle Moor Road and Richmond Avenue," which has been recorded among the Land Records of Baltimore County in Book 55, Folio 103. The subject property has a building envelope of approximately 32 feet wide by approximately 87 feet long. The Petitioner proposes construction a dwelling approximately 44 feet wide as depicted in Petitioner's Exhibit 5. Testimony indicated that the same rationale for the practical difficulty which exists with respect to Parcel 1, Lot 1, is equally applicable to Parcel 4, Lot 1 in this instance. Further, testimony indicated that there exists a rock

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underlayment under the surface of this property as well and that Petitioner would suffer undue hardship if it were to construct the proposed dwelling with a basement.

Mr. Davidson resides two properties to the south of the subject site. He indicated that his initial objections had been addressed adequately after reviewing the plan submitted which shows that the requested variance is from the right-of-way of the property line rather than from the existing paved portion of Castle Moor Road.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the requested variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the

ORDER RECEIVED FOR FILING  
Date 11/21/88  
By J. Robert Haines

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variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11/21 day of November, 1988 that the Petition for Zoning Variance to permit on Parcel 1, Lot 1, a side street setback of 10 feet in lieu of the required 25 feet, and on Parcel 4, Lot 1, a side street setback of 12 feet in lieu of the required 25 feet, for proposed new dwellings in accordance with Petitioner's Exhibits 1 and 5, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) There shall be no fencing or planting on either Parcel 1, Lot 1, or Parcel 4, Lot 1 within 5 feet of the street property lines.
- 3) All accessory structures for either property shall comply with Zoning Policy #D-6, attached.
- 4) When Petitioner applies for a building permit for either property, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- 5) Pursuant to Section 502.2 of the B.C.Z.R., new deeds for both lots incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file.

JRH:bjs

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 11/21/88  
By J. Robert Haines

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PETITION FOR ZONING VARIANCE #48  
89-163-A  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit on Parcel 1, Lot 1, a side street setback of 10' in lieu of the required 25' and from Section 1802.3.C.1 to permit on Parcel 4, Lot 1, a side street setback of 12' in lieu of the required 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Strict compliance with the side street setback on these corner lots, which were not platted by Petitioner as narrow lots, is unnecessarily burdensome and will result in practical difficulty to Petitioner.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Gamma Construction Co., Inc.
Signature	Uri Ben-Or
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Julius W. Lichter
(Type or Print Name)	Address 12300 Dover Road 252-5696
Signature	Reisterstown, MD 21136
Address	City and State
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Attorney's Telephone No.: 321-0600	Julius W. Lichter, Esq.
Address	Name
City and State	Suite 113, 305 W. Chesapeake Ave. 321-0600
Address	Towson, MD 21204
City and State	Address
Address	Towson, MD 21204
City and State	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of November, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 21st day of November, 1988, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING  
Date 11/21/88  
By J. Robert Haines

**LEGAL DESCRIPTION**  
**PARCEL 1 -- LOT 1**

Located at the intersection of Castlemoor Road and Washington Avenue, being known and designated as Lot 1 as shown on a plat entitled "Subdivision of Parcel 1, Castlemoor Road and Washington Avenue", which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 55, folio 100.

**LEGAL DESCRIPTION**  
**PARCEL 4 -- LOT 1**

Located at the intersection of Castlemoor Road and Richmond Avenue, being known and designated as Lot 1 as shown on a plat entitled "Subdivision of Parcel 4, Castlemoor Road and Richmond Avenue", which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 55, folio 103.

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

Case No. 89-163-A  
Date of Posting: October 5, 1988  
Posted for: Variance  
Petitioner: Gamma Construction Co., Inc.  
Location of property: NEC Washington Avenue & Castlemoor Road (Parcel 1, Lot 1, 7320 Castlemoor Road) and SWC Castlemoor and Richmond Avenues (Parcel 4, Lot 1, 3305 Richmond Avenue)  
Location of Signs: Signs at SWC Castlemoor and Richmond Avenues and 1 Sign at NE corner of Washington Ave. and Castlemoor Road  
Remarks:  
Posted by: E.J. Quate  
Number of Signs: 4  
Date of return: October 7, 1988

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., Oct. 13, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 6, 1988.

THE JEFFERSONIAN,

S. Zate Orlean  
Publisher

\$43.13

**NOTICE OF HEARING**  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed variance herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on October 27, 1988 at 2:00 p.m.  
Petitioner for Zoning Variance: Gamma Construction Co., Inc.  
Case Number: 89-163-A  
NEC Washington Avenue & Castlemoor Road (Parcel 1, Lot 1, 7320 Castlemoor Road) and SWC Castlemoor and Richmond Avenues (Parcel 4, Lot 1, 3305 Richmond Avenue)  
2nd Election District  
Petitioner(s): Gamma Construction Co., Inc.  
Hearing Date: Thursday, October 27, 1988 at 2:00 p.m.  
Variance is sought on Parcel 1, Lot 1, a side street setback of 10 feet in lieu of the required 25 feet.  
Variance is sought on Parcel 4, Lot 1, a side street setback of 10 feet in lieu of the required 25 feet.  
If the variance is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or before or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
5000 Oct. 8

**CERTIFICATE OF PUBLICATION**

Pikesville, Md., Oct. 5, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 6th day of Oct, 1988  
the first publication appearing on the 5th day of Oct, 1988  
the second publication appearing on the    day of   , 19    
the third publication appearing on the    day of   , 19  

THE NORTHWEST STAR

Manager

Cost of Advertisement \$19.20

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 17th day of August, 1988.

J. Robert Haines  
ZONING COMMISSIONER

Petitioner: Gamma Construction Co., Inc.  
Petitioner's Attorney: Julius W. Lichter  
Received by: Robert Haines  
Chairman, Zoning Plans Advisory Committee

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF FINANCE - REVENUE DIVISION**  
**MISCELLANEOUS CASH RECEIPT**

DATE: 8-5-88 ACCOUNT: R-01-415-110  
AMOUNT: \$ 70.50  
RECEIVED FROM: Gamma Construction Co., Inc.  
FOR: Posting and Advertising  
B 127\*\*\*\*\*76032 2084V  
VALIDATION OR SIGNATURE OF CASHIER

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF FINANCE - REVENUE DIVISION**  
**MISCELLANEOUS CASH RECEIPT**

DATE: 10/27/88 ACCOUNT: R-01-815-000  
AMOUNT: \$ 92.33  
RECEIVED FROM: Gamma Construction Co., Inc.  
FOR: Posting and Advertising  
B 127\*\*\*\*\*92333 2789-163-A  
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Re: Petitions for Zoning Variance  
CASE NUMBER: 89-163-A  
NEC Washington Avenue & Castlemoor Road (Parcel 1, Lot 1, - 7320 Castlemoor Road) and SWC Castlemoor and Richmond Avenues (Parcel 4, Lot 1, - 3305 Richmond Avenue)  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Gamma Construction Co., Inc.  
HEARING SCHEDULED: THURSDAY, OCTOBER 27, 1988 at 2:00 p.m.

Gentlemen:  
Please be advised that \$2.33 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.  
Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

JRH:gs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

September 22, 1988

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance  
CASE NUMBER: 89-163-A  
NEC Washington Avenue & Castlemoor Road (Parcel 1, Lot 1, - 7320 Castlemoor Road) and SWC Castlemoor and Richmond Avenues (Parcel 4, Lot 1, - 3305 Richmond Avenue)  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Gamma Construction Co., Inc.  
HEARING SCHEDULED: THURSDAY, OCTOBER 27, 1988 at 2:00 p.m.

Variance to permit on Parcel 1, Lot 1, a side street setback of 10 feet in lieu of the required 25 feet.  
Variance to permit on Parcel 4, Lot 1, a side street setback of 12 feet in lieu of the required 25 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Gamma Construction Co., Inc.  
Julius W. Lichter, Esq.  
File

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

October 18, 1988

Julius W. Lichter, Esquire  
Suite 113  
305 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Item No. 48 - Case No. 89-163-A  
Petitioner: Gamma Construction Co., Inc.  
Petition for Zoning Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

cc: Mildenberg, Mochi & Assoc., Inc.  
3300 N. Ridge Road  
Suite 235  
Ellicott City, MD 21043-3350

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
494-3354

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 41, 42, 44, 45, 46, 47, and 48.

Very Truly Yours,

Stephen E. Weber  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEN/EP/saw

**RECEIVED**  
SEP 6 1988  
ZONING OFFICE

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
Zoning Commissioner  
TO: \_\_\_\_\_ Date: October 24, 1988  
Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning  
Gamma Construction Company, Inc.  
SUBJECT: Zoning Petition No. 89-163-A

RECEIVED ZONING OFFICE  
DATE: 10/24/88

The applicant is requesting side yard variances to 10 feet and 12 feet respectively on Parcel 1, Lot 1, and Parcel 4, Lot 4 as shown on applicant's attachments dated June 1988. In reference to this request, staff provides the following information:

- When these lots were subdivided to obtain the density shown, 3 lots per parcel or approximately 4 dwelling units per acre, it was recognized that the corner parcels would be narrower than the interior parcels. The property was subdivided with the intent of obtaining 3 lots per parcel to achieve the number of lots shown. The building restriction lines on the corner parcels are smaller than the interior parcels and the applicant when purchasing the lots was clearly aware of the constraints that were placed upon the corner lots. Dwelling units constructed on these corner lots cannot be of the same design as the interior lots. The applicant is applying uniform building footprint to non-uniform lots (building footprint 26' x 44', approximately 2,300-3,000 sq. ft. in size).
- The 25 foot corner yard setback was designed to achieve several objectives. Site distance along roadway, building orientation regarding the maintenance of providing distances from streets, and the retention of street frontages for pedestrian access are all important functions of street frontages. When a single-family home has a side yard adjacent to a public street, frequently the private space (rear yard) of the homeowner is reinforced through the construction of fences or dense planting material. The encroachment of fencing upon the roadway results in a physical, visual barrier being incorporated into the streetscape.
- The reduced side yard on corner lots also introduces the possibility of future accessory structures being located closer to the side street therefore 1) eliminating vehicular access from the front of the lot and 2) reducing any driveway length between the building and side street, provided the reduced side yard is applied along the entire length of the lot.

Based upon the information provided and analysis conducted, staff recommends approval of the applicant's request subject to the following:

- some notation on the recorded plan should be provided to stipulate that no fencing will be constructed closer than 10 feet to the property line along the side yard for which the variance was requested; and
- the variances granted will only apply to the principal structure and only along the portion of the structure as constructed and the variance will not apply to any substantial deviation.

PK/af 10/24/88 - cc pick up by Howard Alderman, Jr.

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reinke  
J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

August 16, 1988



Dennis F. Rasmussen  
County Executive

Re: Property Owner: Gamma Construction Co., Inc.

Location: NE/C Washington Avenue & Castlemoor Road

Item No.: 48 Zoning Agenda: Meeting of 8/16/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Not shown on hydrant.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

November 21, 1988



Dennis F. Rasmussen  
County Executive

Howard L. Alderman, Jr., Esquire  
Levin, Gann & Hankin  
305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
NE/Corner Washington Avenue and Castle Moor Road  
(Parcel 1, Lot 1 - 7320 Castle Moor Road); and  
SW/Corner Castle Moor Road and Richmond Avenue  
(Parcel 4, Lot 1 - 3305 Richmond Avenue)  
2nd Election District - 2nd Councilmanic District  
Gamma Construction Co., Inc. - Petitioner  
Case No. 89-163-A

Dear Mr. Alderman:

Pursuant to your correspondence dated November 14, 1988 on the above-captioned matter, enclosed please find a copy of the Amended Order correcting the name of Petitioner's representative. However, your request for a deletion of Restriction No. 5 of said Order cannot be honored. The incorporation of the Zoning Commissioner's Orders in deed references are necessary for proper and effective enforcement of said Orders.

The deed references in this instance can be incorporated at such time as your client completes construction of the proposed dwellings and a Contract of Sale has been prepared. However, such deed references must be incorporated within one (1) year of the date building permits are issued for the subject properties.

If you have any questions on the subject, please do not hesitate to contact me.

Very truly yours,

*[Signature]*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: file

LAW OFFICES  
LEVIN, GANN & HANKIN  
A PROFESSIONAL ASSOCIATION  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
301-331-0600  
FAX 301-296-2801

November 15, 1988

J. Robert Haines, Zoning Commissioner  
Baltimore County Office of Planning and Zoning  
Towson, Maryland 21204

RE: Petition for Zoning Variance - Gamma Construction Co., Inc.  
Case No. 89-163-A

Dear Commissioner Haines:

I have reviewed your Order, dated November 9, 1988, in the above-referenced variance case. I am hereby requesting that you revise the name of the President of the Corporate Petitioner to Mr. Uri Ben-Or, rather than Mr. William Ben-Or as shown. I request that this modification be made without affect on the effective date of your Order.

Secondly, I am concerned about the fifth restriction imposed by your Order. My reading of the legal authority cited, BCZR Section 502.2, indicates that before granting any Special Exception, the Zoning Commissioner may impose such conditions, restrictions or regulations as may be necessary "for the protection of surrounding and neighboring properties." It is unclear to my client how the additional expense in the preparation and recording of the instruments required by this restriction would protect surrounding and neighboring properties. Therefore, I am respectfully requesting on behalf of Gamma Construction Co., Inc., that the fifth restriction be deleted in its entirety from your Order, without affect on the effective date thereof.

Should you have any questions or if you desire to discuss this request, please feel free to call me.

Very truly yours,

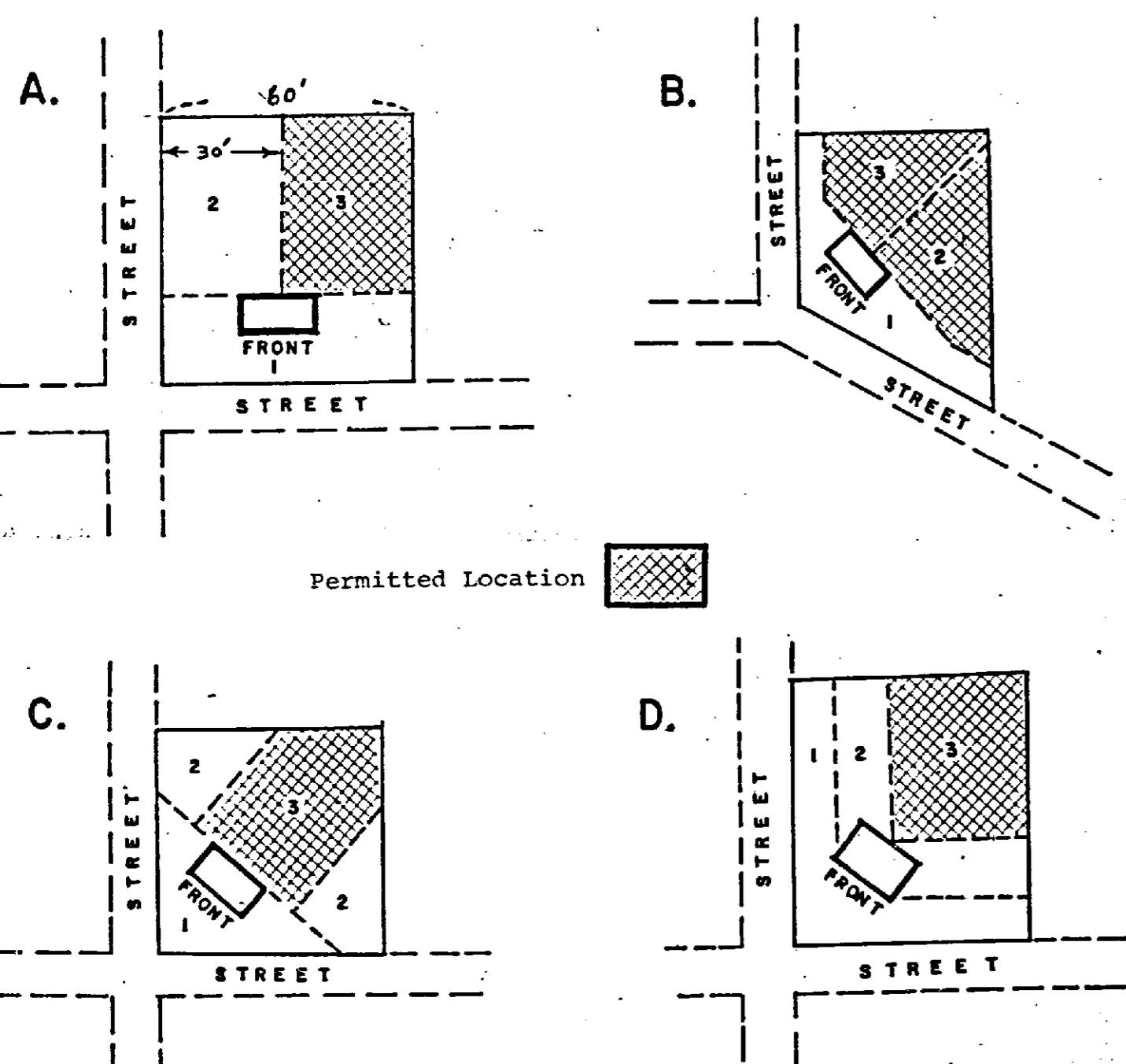
*[Signature]*  
Howard L. Alderman, Jr.

HLA/fl

cc: Mr. Uri Ben-Or

# D-6 CORNER LOTS — PERMITTED ACCESSORY BUILDING OR USE LOCATION

"Section 400.1- Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines....."



DEED — FREE SAMPLE — PARTIAL GRANTOR — LONG FORM

7757 200104

This Deed, Made This 17th day of December

in the year one thousand nine hundred and eighty-seven by and between

✓TIMANUS LANE PARTNERSHIP, a Maryland General Partnership

of the first part, and

✓GAMMA CONSTRUCTION CO., INC., a Maryland corporation, party

of the second part.

Witnesseth, That in consideration of the sum of EIGHTY ONE THOUSAND and 00/100ths (\$81,000.00)

the said party of the first part

do es grant and convey to the said party of the second part, its

successors and assigns, in fee simple, all those lot s of ground situated in SECOND ELECTION DISTRICT and described as follows, that is to say:

PARCEL A:

Being known and designated as Lots Nos. 1, 2 and 3 as shown on a plat entitled "Subdivision of Parcel 4, Castlemoor Road and Washington Avenue", which plat is recorded among the Land Records of Baltimore County in Plat Book EHKJR 55, folio 103.

Being all that lot of ground described fourthly in a Deed dated December 18, 1984 and recorded among the Land Records of Baltimore County in Liber EHKJR No. 6860, folio 287, was granted and conveyed from Crane & Crane Partnership unto the Grantor herein.

PARCEL B:

Being known and designated as Lots Nos. 1, 2 and 3 as shown on a plat entitled, "Subdivision of Parcel 1, Castlemoor Road and Washington Avenue", which plat is recorded among the Land Records of Baltimore County in Plat Book EHKJR 55, folio 100.

Being all that lot of ground described fifthly in a Deed dated December 18, 1984 and recorded among the Land Records of Baltimore County in Liber EHKJR No. 6860, folio 287, was granted and conveyed from Crane & Crane Partnership unto the Grantor herein.

AGRICULTURAL TRANSFER TAX

10% APPLICABLE

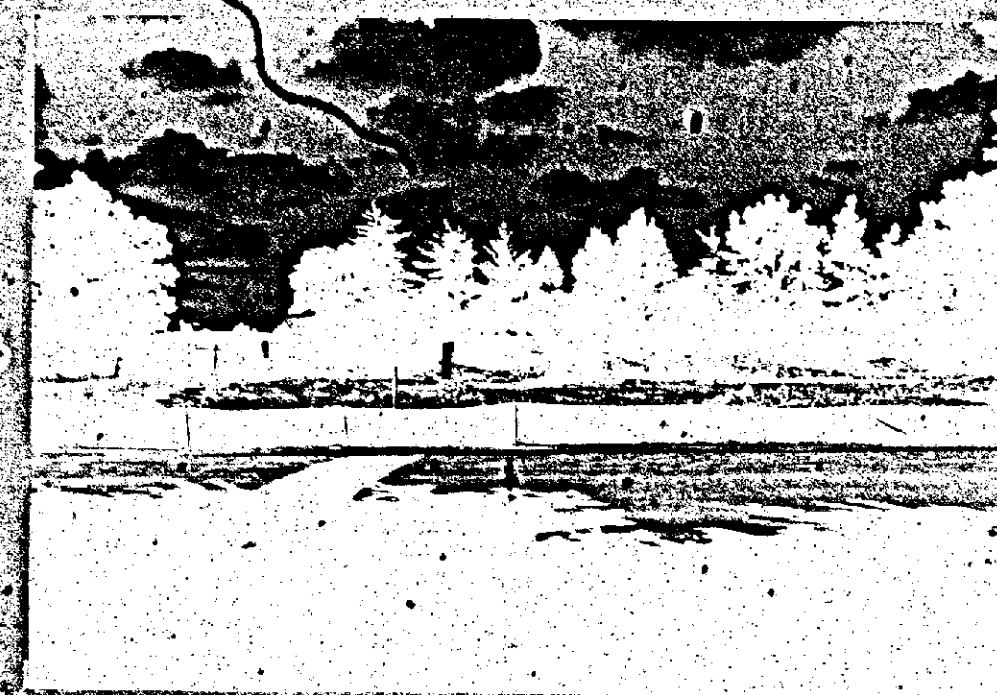
SIGNATURE *[Signature]* DATE 12-28-87

8367\*\*\*\*129600:0 022-4

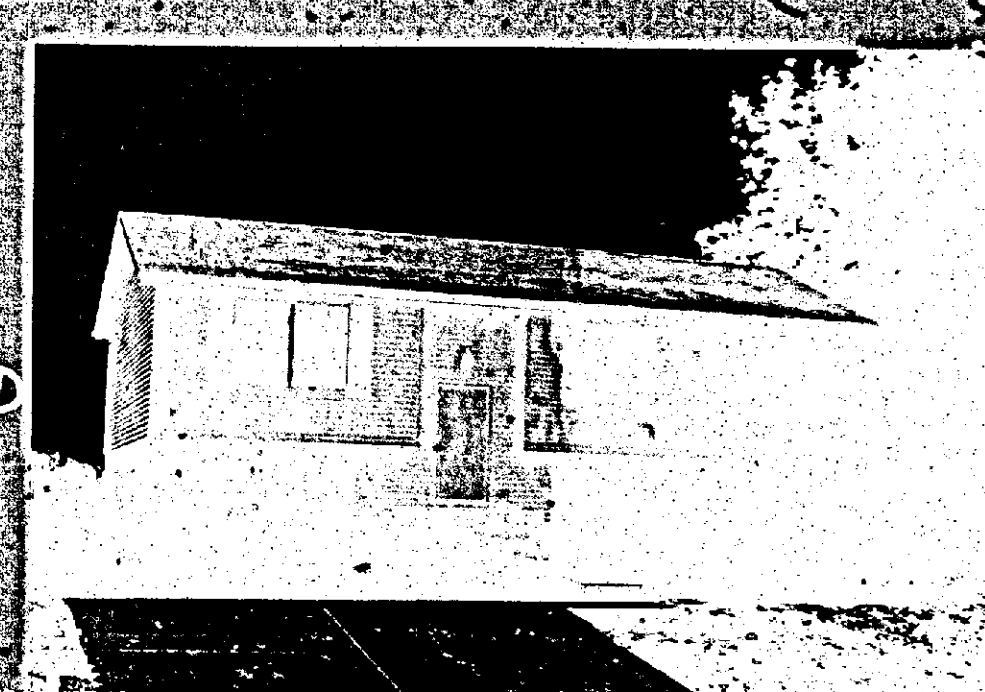
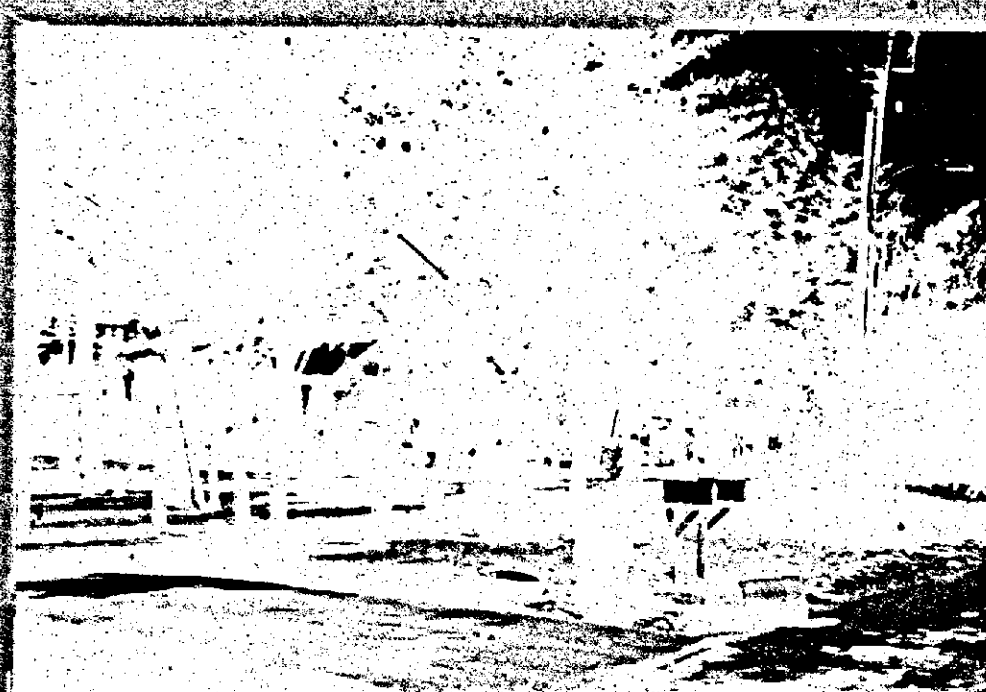
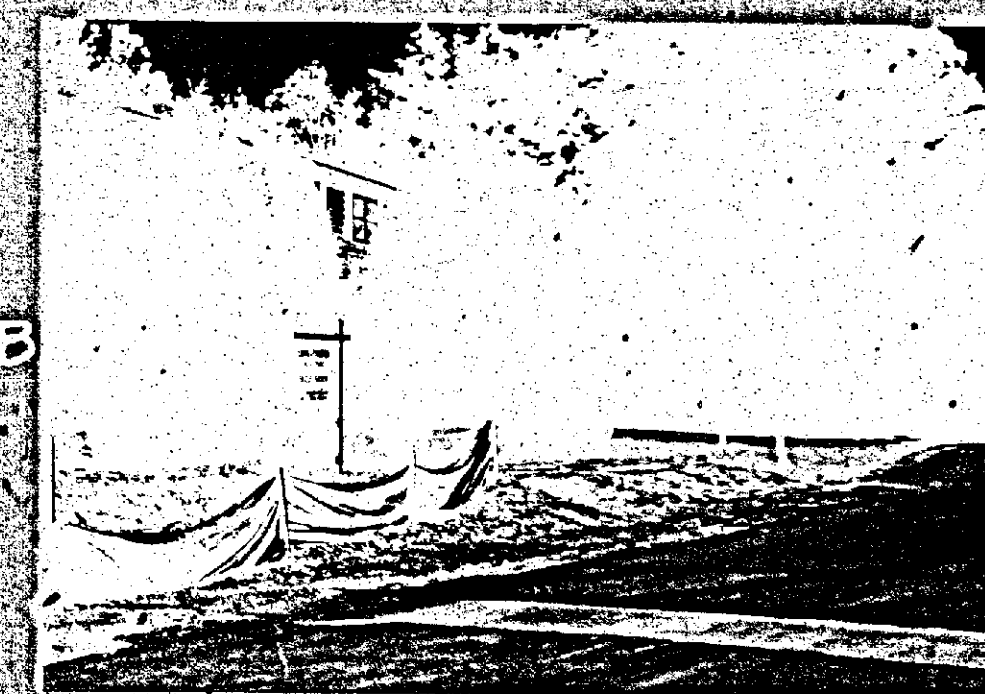
RECEIVED FOR TRANSFER  
Baltimore County  
Assessments & Taxation  
12-28-87

PETITIONER'S  
EXHIBIT 2

PETITIONER'S EXHIBIT 3



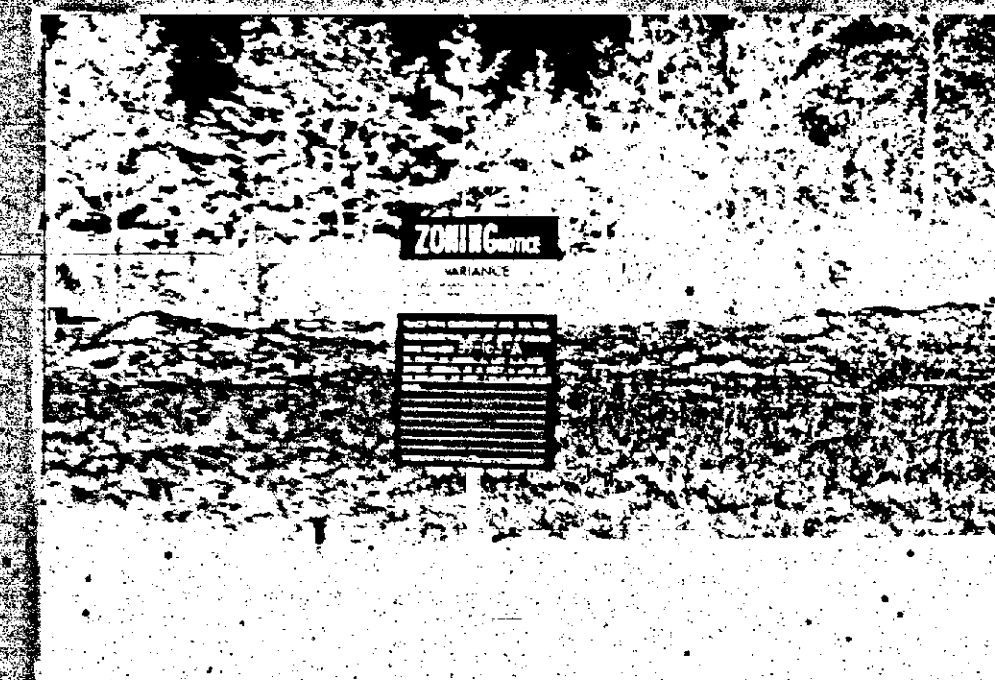
PETITIONER'S EXHIBIT 4

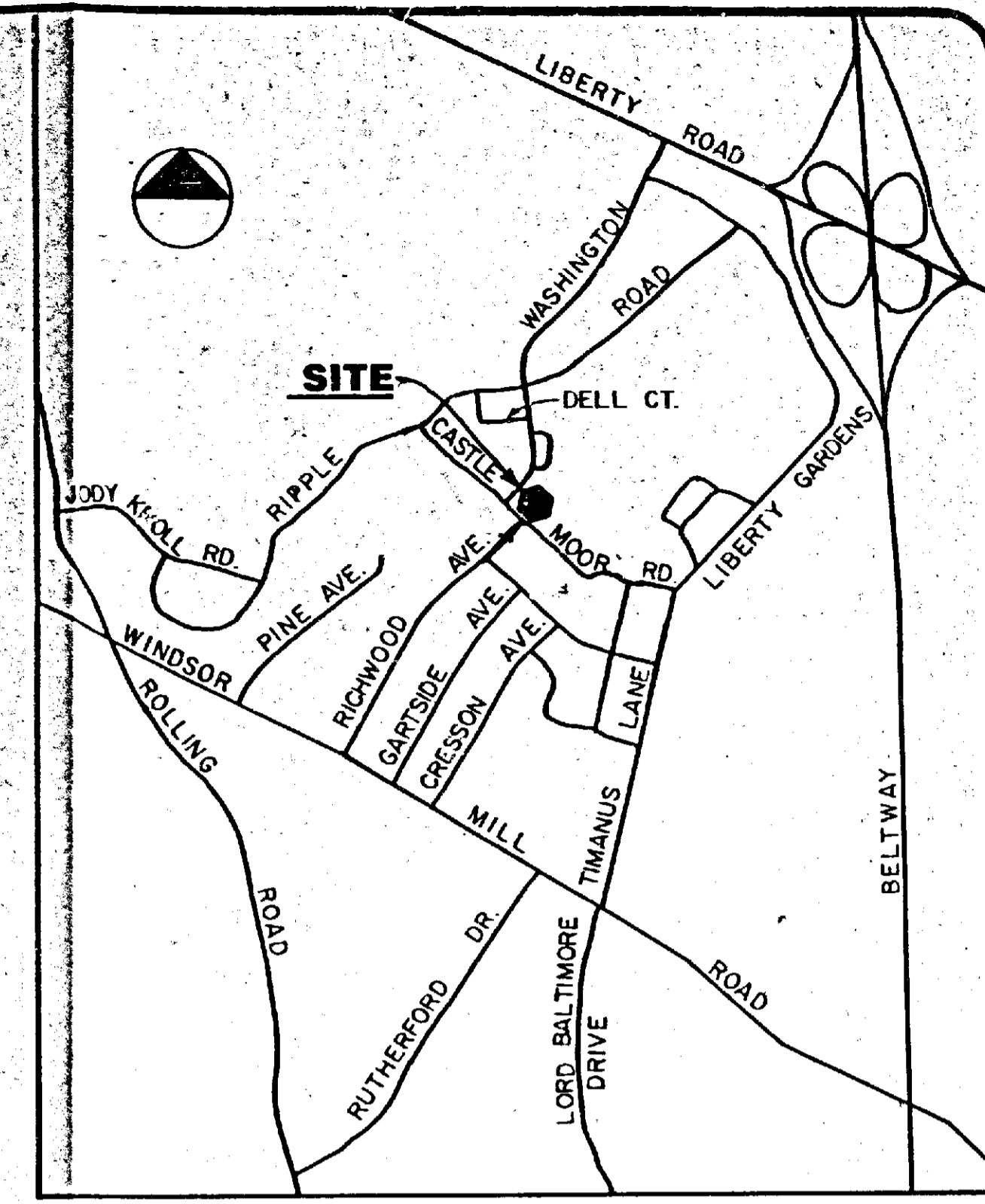
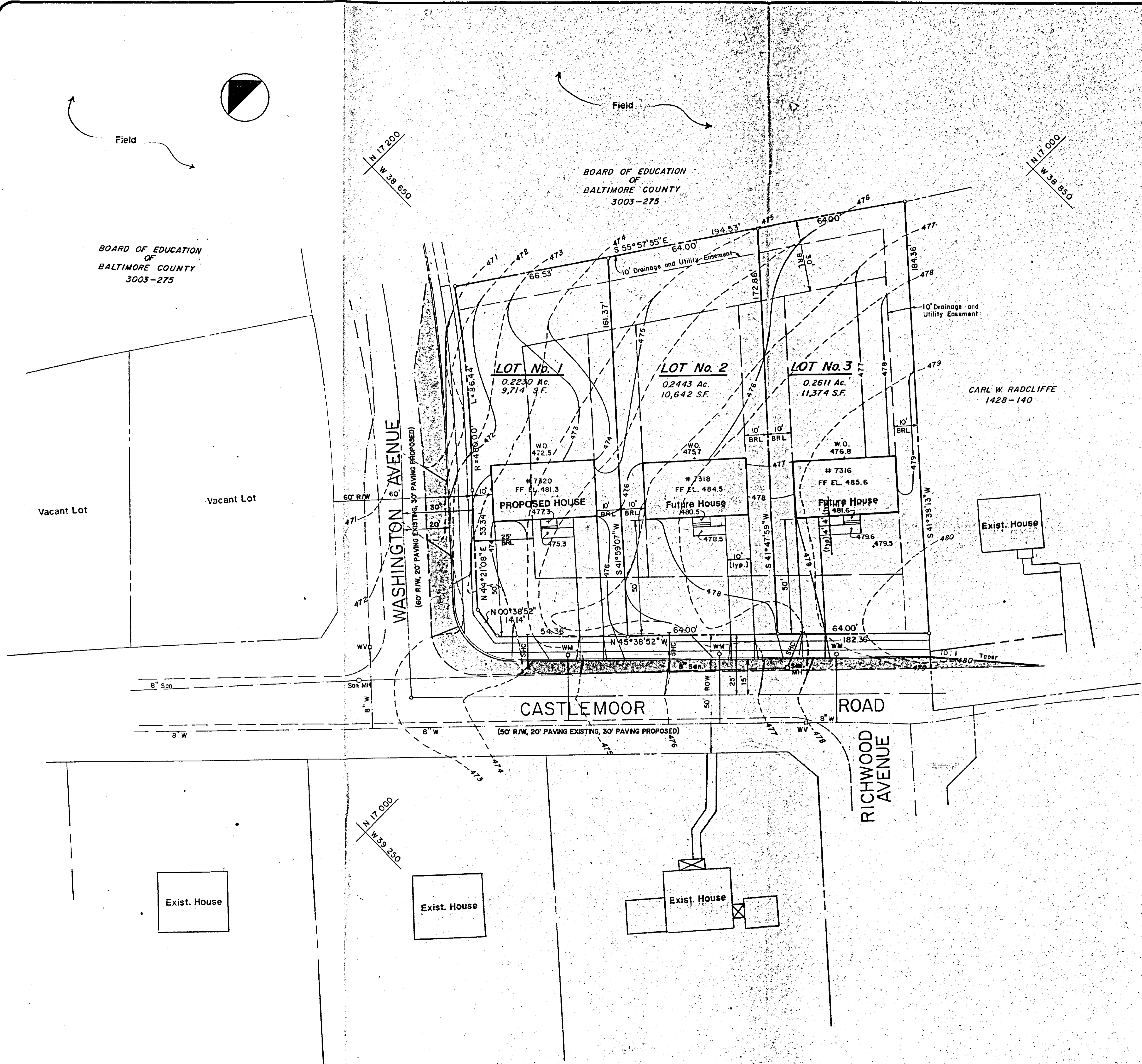


PETITIONER'S EXHIBIT 6



PETITIONER'S EXHIBIT 7





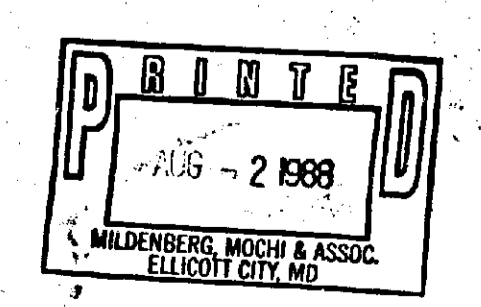
**VICINITY MAP**  
Scale: 1" = 1000'

Owner: Gamma Construction, Inc.  
District: 2  
Zoned: D.R. 5.5  
Lot No: 1  
Liber 55, Folio 100  
Lot Size: 0.2230 AC

Petitioner requests a variance from BCZR Section 1B02.3.C.1 to permit a side street setback of 10 feet in lieu of the required 25 feet.

# PETITIONER'S EXHIBIT 1

#48



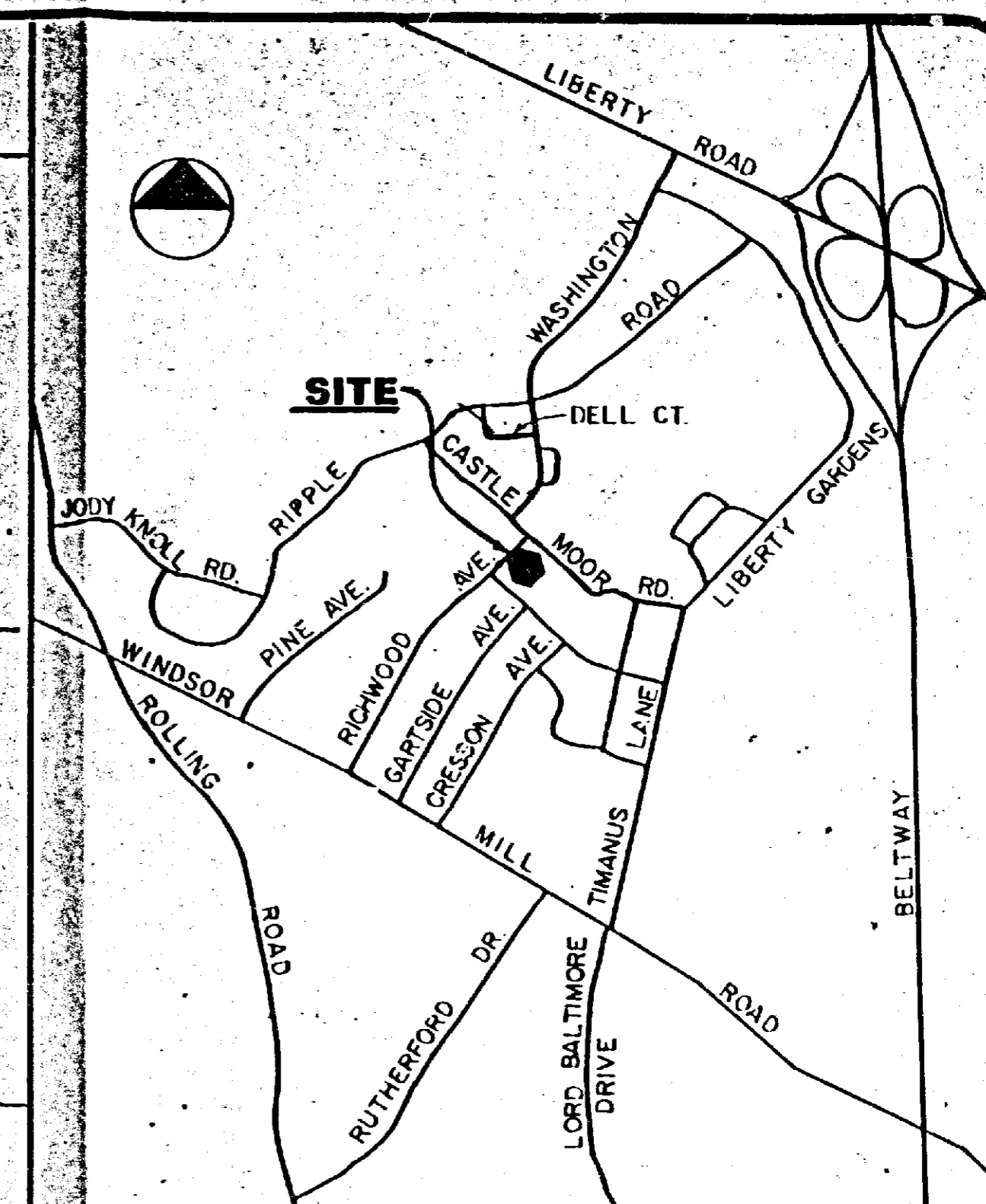
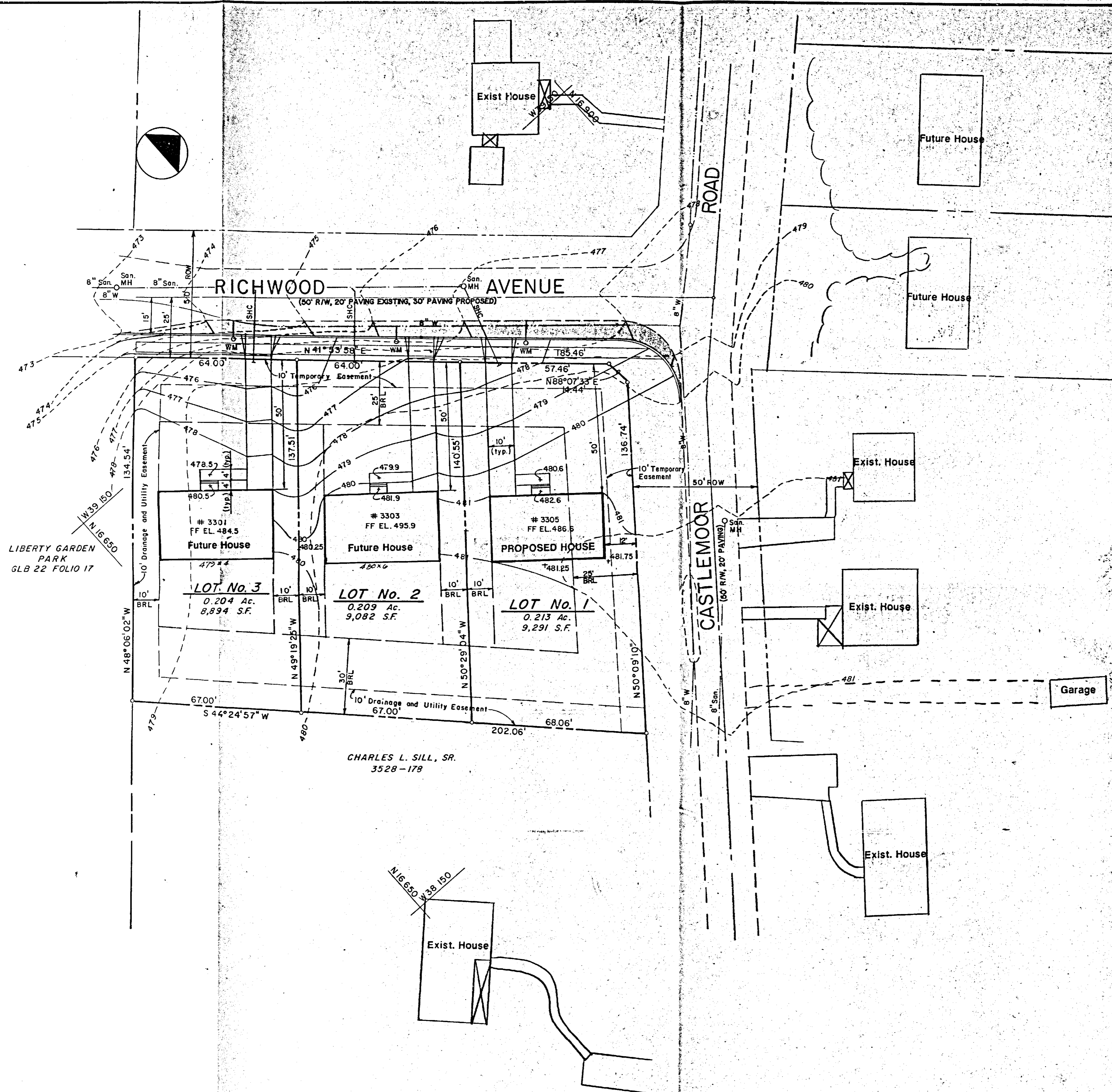
The data shown hereon is based on available information. This plat is for variance purposes only.

Project	87036.02	date	JUNE, 1988
Illustration	JNS	engineering	MOC
scale	1" = 20'	approval	JBM

no.	1	date	7-25-88
description	Add Structures Within 200'		
revisions			

**PLAT TO ACCOMPANY VARIANCE REQUEST**  
**PARCEL 1 - LOT 1**  
2<sup>ND</sup> ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

**MILDENBERG, MOCH & ASSOCIATES, INC.**  
ENGINEERS • SURVEYORS • PLANNERS  
3300 North Ridge Road, Suite 235, Ellicott City, Maryland 21043-3350  
(301) 461-0078 U.C. Merc. (001) 821-5198



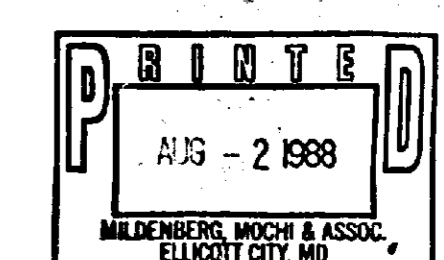
**VICINITY MAP**  
Scale: 1" = 1000'

Owner: Gamma Construction, Inc.  
District: 2  
Zoned: D.R. 5.5  
Lot No. 1  
Liberty 55, Folio 103  
Lot Size: 0.213 AC

Petitioner requests a variance from BCZR Section 1B02.3.C.1 to permit a side street setback of 12 feet in lieu of the required 25 feet.

**PETITIONER'S EXHIBIT** 5

#48



The data shown hereon is based on available information. This plat is for variance purposes only.

project	date	engineer	approval
87036.02	JUNE, 1988	JNS	JBM
illustration	scale	description	revisions
1	1" = 20'	Add Structures within 200'	

no.	date	description	revisions
1	7-24-88	Add Structures within 200'	

**PLAT TO ACCOMPANY VARIANCE REQUEST**  
**PARCEL 4 - LOT 1**  
BALTIMORE COUNTY, MARYLAND  
2nd ELECTION DISTRICT

**MILDENBERG, MOCHI & ASSOCIATES, INC.**  
ENGINEERS • SURVEYORS • PLANNERS  
3300 North Ridge Road, Suite 225, Ellicott City, Maryland 21043-3350  
(301) 461-0278 U.C. Mem: (301) 821-5788